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**OFFICE OF PETITIONS**

In re Application of :  
Gregor Cevc :  
Application No. 09/621,574 : ON PETITION  
Filed: 21 July, 2000 :  
Atty Docket No. 500.1004CON :

This is a decision on the petition filed under 37 CFR 1.182 on 20 July, 2005, requesting that terminal disclaimer(s) filed in Application No. 07/844,664 be withdrawn.

The petition is dismissed as moot.

The present petition requests that terminal disclaimers filed in Application No. 07/844,644, of which the present application is a continuation, on 15 February, 1994 and 23 October, 1995, be nullified to the extent they apply to the present application.

The petition filed in Application No. 09/621,574 to withdraw a terminal disclaimer filed in Application No. 07/844,644 is inappropriate, as a petition must be filed in the application or patent for which the relief requested in the petition is sought. Additionally, as no terminal disclaimer was filed in the present application on 15 February, 1995, and 23 October, 1995, no terminal disclaimers filed on that date may be withdrawn in this application. The petition is therefore dismissed as moot.

Petitioners are further advised that once a patent issues, the USPTO will not remove the effect of a recorded terminal disclaimer.<sup>1</sup> While petitioners may now consider the previously filed disclaimer(s) to be unnecessary, or unnecessarily limiting,

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<sup>1</sup>See MPEP 1490(B).

petitioners are, nevertheless, confronted with what has been characterized as an "unhappy circumstance" rather than a circumstance necessitating relief.<sup>2</sup>

The petition fee of \$400.00 will be refunded to counsel's deposit account, No. 04-1105.

The application file is being referred to Technology Center Art Unit 1615 for further processing.

Telephone inquiries should be directed to the undersigned at 571.272.3231.



Douglas Wood  
Senior Petitions Attorney  
Office of Petitions

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<sup>2</sup>See In re Jentoft, 392 F.2d 633, 639 n. 6, 157 USPQ 363, 368 n. 6 (CCPA 1968); MPEP 1490(A).